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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|-----------------|--------------------|
| Applicants: | Hugues Marchand et al.   | Examiner:       | Matthew J. Song    |
| Serial No.: | 09/922,122   | Group Art Unit: | 1722               |
| Filed:      | August 3, 2001   | Docket:         | G&C 30794.79-US-U1 |
| Title:      | METHOD OF CONTROLLING STRESS IN GALLIUM NITRIDE FILMS<br>DEPOSITED ON SUBSTRATES |                 |                    |

REQUEST FOR REFUND UNDER 37 C.F.R. §1.26

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This document is being submitted to request a refund in the above-referenced application for an overpayment in the amount of \$755.00.

On December 15, 2009, an Issue Fee payment was paid in the amount \$1,510.00 as a large entity in accordance with the Notice of Allowance cover sheet Form PTOL-85 received from the U.S. Patent and Trademark Office (a copy of which is enclosed). However, the above-referenced application is a Small Entity as indicated on its Filing Receipt (a copy of which is enclosed). Consequently, the Issue Fee payment should have been paid as a small entity in the amount \$755.00, and a refund is requested for the overpayment of \$755.00.

Accordingly, Applicants' attorney requests that the \$755.00 overpayment made in the above-referenced application be refunded to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicants

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Date: February 24, 2010

GHG/

By: George H. Gates  
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Reg. No.: 33,500



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22462 7590 09/23/2009  
GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

*FDws-1: 10.23.09 V/KR*  
*FDws-2: 11.23.09 V/KR*  
*Issue Fee*  
*Publ Fee* 12.23.09 V/KR  
*FDws-3-12.23.09 V/KR*

|                 |              |
|-----------------|--------------|
| EXAMINER        |              |
| SONG, MATTHEW J |              |
| ART UNIT        | PAPER NUMBER |

1792

MAILED: 09/23/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/22,122       | 08/03/2001  | Hugues Marchand      | G&C 30794.79-US-U1  | 7852             |

TITLE OF INVENTION: METHOD OF CONTROLLING STRESS IN GALLIUM NITRIDE FILMS DEPOSITED ON SUBSTRATES

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 12/23/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.